

REMARKS/ARGUMENTS

The Office Action of October 18, 2006 has been carefully reviewed and these remarks are Applicants' response thereto. Claims 1-33, 38-39 and 41-73 are pending. Claims 45-73 are new. Claims 1-40 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,816,510 to Banerjee ("Banerjee"). Claims 41-44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Banerjee.

New Claims

Claims 45-73 are new. Claims 45-53 and 56-57 depend from claim 38 and incorporate features similar to those recited in dependent claims 2-15 and 17-33, thus no new matter is added.

Claims 54-55 depend from claim 53 and recite features regarding to the identified slot/frame. Support for these claims is at least found at page 13, line 29 through page 14, line 12 of the specification as filed, thus no new matter is added.

Claims 58-63, 67-69 and 72-73 depend from claim 39 and incorporate features similar to those recited in dependent claims 2-15 and 17-33, thus no new matter is added.

Claims 64 - 66 depends from claim 63 and recite additional feature regarding the synchronisation. Support for these claims is at least found in the specification as filed, page 13, lines 20-27, thus no new matter was added.

Claims 70-71 depend from claim 69 and recite features regarding to the identified slot/frame. Support for these claims is at least found at page 13, line 29 through page 14, line 12 of the specification as filed, thus no new matter is added.

Amendment to the Claims

Claims 1-33, 38-39 and 41-44 were amended. Claims 1, 16, 41 and 42 were amended to clarify the intended scope by moving features from the preamble to the body of the claim and claiming structure rather than reciting a means-plus-function clause. Support for the recitation of device is at least found in the specification as filed on page 4, lines 32-33. Claims 2-15 and claims 17-33 were amended to correspond to the amendments to claims 1 and 16, respectively. Claims 38, 39, 43 and 44 were amended to ensure proper antecedent basis for the recited terms. No new matter was added by these amendments.

Cancelled Claims

Claims 34-37 and 40 have been cancelled without prejudice or disclaimer and Applicants reserve the right to file similar claims in a continuation application. In view of their cancellation, the rejection of these claims is considered moot.

Rejection under 35 U.S.C. § 102 - Banerjee

Claims 1-33 and 38-39 were rejected under 35 U.S.C. § 102 as being anticipated by Banerjee. Claim 1, 16 38 and 39 are independent.

Banerjee discloses a system and method for clock synchronization. Banerjee, Abstract. Banerjee operates by retrieving a time value from a master clock at the transmission of a first packet. Banerjee, Col. 6, ln. 23-52. The retrieved time value and the sequence number of the first packet are then sent in a second packet that will follow at some later time period. Banerjee, Col. 6, ln. 52-59. A slave device receives the first packet and note the time that it was received according to the slave clock. Banerjee, Col. 6, ln. 60-65. When the second packet is received, the slave device uses the sequence of the first packet, the previously stored time determined after the first packet was received and the time value in the second packet to synchronize the slave device clock to the master clock. Banerjee, Col. 6, ln. 66 – Col. 7, ln. 13. Thus, Banerjee fails to contemplate the concept of a common time reference that is separate from the master clock time.

As noted above, claim 1 has been amended and recites the feature of “a controller for reading a real time clock at an identified instance of a common time reference having distinguishable instances, wherein the device is arranged to synchronise to the common time reference.” Thus, a device according to claim 1 includes a controller that is configured to obtain a real time clock value and provides that value along with an identified instance of common time reference. The Office Action suggests that Banerjee discloses such a feature, first pointing to Fig. 1 and Col. 1, ln. 25-63 as well as Col. 4, ln. 37-56 and claims 1-11. However, these portions of Banerjee, as well as the addition sections of Banerjee referenced above, make it clear that Banerjee merely provides a sequence number of a first packet along with time value the first packet was sent in a second packet. The sequence number of the first packet of Banerjee cannot be equated with an instance of a common time reference because the sequence number of Banerjee is

not related to a time but instead relates to the number of the packet that is being sent and could be sent at any time. Applicants further note that the slot/frame referenced in claim 12, for example, is discussed in the specification as filed, starting on page 13, line 29 through page 14, line 12 as being an example of a Bluetooth clock reference. Plainly, the packet sequence number of Banerjee is distinct from the concept of a time reference. Thus, for at least the above reasons, Banerjee fails to disclose all the features of claim 1 and cannot be said to anticipate claim 1.

Claims 2-15 depend from claim 1. Therefore, these claims are not anticipated for at least the reasons that claim 1 is not anticipated and for the additional features recited therein. For example, claim 4 recites the feature of “wherein the first instance is in the future at the moment of transmission.” There is simply no disclosure in Banerjee of such a feature (nor is it apparent how it would be possible to provide such a feature with Banerjee because the time that the packet was sent would not be known as it would still be at some point in the future).

Claim 16 recites the feature of “a receiver for receiving, in a network comprising at least the device and a transmitter, a transmitted identification of a real time clock value and an identification of a first instance of a common time reference having distinguishable instances, wherein the receiver is arranged to synchronise to the common time reference.” The Office Action is suggesting that the sequence number can be equated with the common time reference. However, Applicants respectfully submit that synchronising to the sequence number of the packet is nonsensical, thus it is plain that the sequence number of the packet of Banerjee cannot be equated with the recited “identification of a first instance of a common time reference.” Accordingly, Banerjee fails to disclose all the features of claim 16 and cannot be said to anticipate claim 16 for at least the above reasons.

Claims 17-33 depend from claim 16. Therefore, these claims are not anticipated for at least the reasons that claim 1 is not anticipated and for the additional features recited therein. For example, claim 20 recites the feature of “wherein the first instance is in the future at the moment of reception” and plainly receipt of a future time along with the sequence number of the packet sent at that future time is not disclosed (nor does it appear possible) by Banerjee.

Claim 38 recites the feature of “synchronising the transmitter device to a common time reference having distinguishable instances shared in common, with the transmitter and receiver obtaining a real time clock value at an identified instance of the common time reference.” As noted above, “synchronising the transmitter device to a common time reference” would not make sense if the common time reference is equated with the sequence number of Banerjee and Banerjee does not disclose performing such steps. In this regard, Applicants note that the Office Action has failed to point to any portion of Banerjee as disclosing the features of process claim 38, nor have Applicants been able to locate any such discussion or disclosure. Accordingly, it cannot be said that Banerjee discloses all the features of claim 38 and claim 38 is not anticipated by Banerjee.

Claim 39 recites the steps of “synchronising the receiver device to a common time reference having distinguishable instances shared in common with the transmitter and receiver” and “receiving a transmitted identification of a real time clock value and an identification of a first instance of the common time reference.” Applicants respectfully submit that no support in Banerjee has been provided for the step “synchronising the receiver device to a common time reference.” Indeed, it would not make sense to try to synchronise to the sequence numbers of Banerjee and plainly those sequence numbers are not related to a common time reference for at least the reasons discussed above. In addition, Applicants note that the Office Action has failed to point to any portion of Banerjee as disclosing the features of process claim 39, nor have Applicants been able to locate any such discussion or disclosure. Accordingly, it cannot be said that Banerjee discloses all the features of claim 39. Therefore, claim 39 is not anticipated by Banerjee.

Consequently, for at least the above reasons, withdrawal of this ground of rejection is respectfully requested.

Rejection under 35 U.S.C. § 103 - Banerjee

Claims 41-44 were rejected under 35 U.S.C. § 103 as being unpatentable over Banerjee. Claims 41-44 have features similar to claims 1, 16, 38 and 39 and therefore are patentable over Banerjee for at least the reasons discussed above and for the additional features recited therein. Applicants further note that Banerjee operates with a different principal (using a time value and a packet sequence number to synchronise) versus the time value and an instance of a common time reference. Therefore, a person of skill in

the art would not be motivated to modify Banerjee to reach the subject matter of claim 41, for example. Furthermore, there is nothing in Banerjee that even suggests how one might modify Banerjee to reach claim 41, for example.

Accordingly, withdrawal of this ground of rejection is respectfully requested.

CONCLUSION

All rejections and objections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,

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